

consequence of their behavior. That definition does not and can not be applied to the severe mentally ill.

The judge has the opportunity to declare the case a non capital case. There have been nine pre-trial hearings in the seven years since North Carolina General Statute 15A-2005, deals with the mentally retarded, was enacted.

Ms. Stevens answered questions from the Committee on her presentation.

Sen. Jones:

If this law is taking place now why do we need this law?

Ms. Stevens replied that the law we passed was for the people with mental retardation and not mental illness.

Sen. Jones:

What is the cost?

A pre-trial hearing would out weigh the cost associated with post conviction litigation. In the 1993 cost study by Philip Cook, each execution cost approximately 2.3 million more than those not sentence to death. (See: Philip J. Cook, Ph.D. and Donna B. Slawson, M.A., J.D., "The Costs of Processing Murder Cases in North Carolina ", Terry Sanford Institute of Public Policy, Duke University, May 1993.

Sen. Jones:

How would the family of the victim get closure?

The convicted person would be in prison for the rest of their life and not eligible for parole. In most cases the family has closure.

Sen. Bingham:

Is a copy of the Cook study available?

Sen. Kinnaird replied that the study would be brought to the Committee meetings.

Sen. Bingham:

Is mental illness curable?

Mental illness maybe treated, severe mental illness is not curable.

Sen. Kinnaird:

Who is in the courtroom during a capital trial?

There are 300 potential jurors, a judge, and clerk for the judge, courtroom clerk, law enforcement, prosecutor, prosecutor assistant, two defense attorneys, and witnesses.